IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

P.I.L. NO.13 OF 2003

Nagrik Seva Mandal — Petitioner
vs.
The State of Maharashtra
Through the Secretary, Department of
Archeology & ors. — Respondents

Ms.Gauri Godse for the petitioner.

Mr.Rajiv Chauhan with Mr.Namesh Dutt and Mr.P.Sharma for the respondents 3, 4 and 5-Union of India.

Mr.P.M.Patil, Assistant Government Pleader for respondents 1 and 2.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 1st February 2006

P.C.

Heard Ms.Gauri Godse, the learned counsel for the petitioner and Mr.Rajiv Chauhan, the learned standing counsel for the Central Government.

2. The petitioner seeks direction to the respondents 3 to 5 to take steps for restoration and preservation of Shiv Mandir at Ambernath, District-Thane and enter into Memorandum of Understanding with the petitioner and the National Culture Fund for the purposes of project of of restoration and preservation of the Shiv Temple.

3. The petitioner claims to be a trust registered under the Bombay Public Trusts Act. In so far as the

direction to the respondents 3 to 5 to enter into Memorandum of Understanding with the petitioner is concerned, we are afraid, no such direction deserves to be given.

4. That Shiv Temple of Ambernath is in Bhumija style dated to 1060 AD according to an inscription and that it was built during the reign of the Silahara dynasty does not seem to be in dispute. It needs no emphasis that the temple being protected ancient monument of national importance has to be restored and preserved. The Superintending Archaeologist has placed on record the estimate report and abstract of cost for repairs to the main temple and the corner shrine. Mr.Rajiv Chauhan, the learned standing counsel for the Central Government submits that the Director General, Archaelogical Survey of India has approved the sum of Rs.46,83,000/- for completion of works, as per the progress report submitted and the funds in the sum of Rs.10,00,000/- have already been released. The learned standing counsel for the Central Government further submits that more funds will be made available on the progress of the work. The learned standing counsel for the Central Government also submits that the Deputy Superintending Archaelogical Chemist, ASI, Aurangabad has inspected the monument in the month of October 2005 and that work of chemical preservation must have started in the month of January 2006 and if not started, it would commence

without any further delay.

5. We are satisfied with the statement of the learned standing counsel appearing for the Central Government and in view thereof, no further direction needs to be given.

6. The learned counsel for the petitioner submits that the Director General, Archaelogical Survey of India is not taking any steps for taking guardianship of the Temple. We do not find any specific prayer in this regard. However, we observe that the Director General, Archaelogical Survey of India shall proceed in accordance with law in that regard.

7. The Public Interest Litigation is disposed of accordingly.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)